Mark C. Zauderer, Esq.
Jonathan D. Lupkin, Esq.
FLEMMING ZULACK WILLIAMSON ZAUDERER LLP
One Liberty Plaza, 35th Floor
New York, NY 10006
Tel: (212) 412-9500

Fax: (212) 964-9200 Email: mzauderer@fzw

Email: mzauderer@fzwz.com Email: jlupkin@fzwz.com

-and-

Wendi E. Sloane, Esq. (pro hac vice)
Annaliese F. Fleming, Esq. (pro hac vice)
Matthew F. Singer, Esq. (pro hac vice application forthcoming)
BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP
200 West Madison Street, Suite 3900
Chicago, IL 60606

Tel: (312) 984-3100 Fax: (312) 984-3150

Email: wendi.sloane@bfkn.com Email: annaliese.fleming@bfkn.com Email: matthew.singer@bfkn.com

Attorneys for Plaintiff GO SMiLE, Inc.

LIMITED STATES DISTRICT COLIDT

SOUTHERN DISTRICT OF NEW YORK	ECF CASE
GOSMILE, INC., a Delaware corporation,	x : : No. 10 CV 8663 (PKC)
Plaintiff,	: :
- against -	: NOTICE OF MOTION :
DR. JONATHAN B. LEVINE, D.M.D. P.C., a New York Corporation; and DR. JONATHAN B. LEVINE, an individual,	: : :
Defendants.	· : :

PLEASE TAKE NOTICE that upon the annexed declaration of Leslie Faust, executed on December 20, 2010, and the exhibits attached thereto, the annexed

declaration of Wendi E. Sloane, executed on December 20, 2010, and the exhibits attached thereto, the accompanying Memorandum of Law, and all other pleadings and proceedings had and to be had herein, Plaintiff GO SMiLE, Inc. will move this Court before the Honorable P. Kevin Castel, United States District Court Judge, at the Courthouse, 500 Pearl Street, New York, New York 10007-1312, Courtroom 12C, at a date and time to be set by the Court, for an order:

- a) pursuant to 15 U.S.C. § 1114 and Rule 65 of the Federal Rules of Civil Procedure, granting Plaintiff GO SMiLE's motion for a preliminary injunction, enjoining defendants, and defendants' principals, agents, employees, affiliates, agents, assigns or any other person or entity under defendants' control from marketing or distributing any oral hygiene or teeth whitening products that infringe upon GO SMiLE's statutory or common law trademarks, pending the disposition of this action; and
- b) granting such other, further and different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Scheduling Order, dated December 16, 2010, opposition papers shall be served and filed on or before January 4, 2011 and reply papers, if any, shall be served and filed on or before January 7, 2011.

[BALANCE OF THE PAGE INTENTIONALLY LEFT BLANK]

Dated: New York, New York December 20, 2010

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP

By:____/s/ Annaliese F. Fleming_

Wendi E. Sloane, Esq. Annaliese F. Fleming, Esq. 200 West Madison Street, Suite 3900 Chicago, IL 60606

Tel: (312) 984-3100 Fax: (312) 984-3150

Email: wendi.sloane@bfkn.com Email: annaliese.fleming@bfkn.com

-and-

Mark C. Zauderer, Esq.
Jonathan D. Lupkin, Esq. (JL-0792)
FLEMMING ZULACK WILLIAMSON
ZAUDERER LLP

One Liberty Plaza, 35th Floor New York, NY 10006

Tel: (212) 412-9500 Fax: (212) 964-9200

Email: mzauderer@fzwz.com Email: jlupkin@fzwz.com